Mr MacLennan phoned to raise the following points having seen the call for evidence video on YouTube. He first explained that he is a self-employed social work consultant who has worked on Gypsy/Travellers issues for over 10 years. He has for a number of years worked with the Scottish Gypsy Traveller Law Reform Coalition.

1. It is unclear as to why the Committee is undertaking research given the extensive body of research available from numerous sources including the evidence gathered during the Equal Opportunities Committee Inquiry in 2001. The Gypsy/Traveller community should not be required once again to prove that these issues require urgent action and they are deemed to be deserving of such actions.

2. Racial discrimination is at the root of many issues faced by Gypsy/Travellers. The Scottish Government needs to give direction and show firm leadership – for instance it is not directing Local Authorities to build sites for Gypsy/Travellers. If local authorities are not willing for political reasons to provide accommodation why not get others to provide culturally suitable ‘accommodation’ e.g. Housing Associations.

3. The 2001 committee report made 37 recommendations (they were not suggestions). The committee should consider another two of its recommendations as well as those to do with accommodation. They are: “All legislation and policies should be framed on the understanding that Gypsy Travellers are an ethnic group, until such time as a court decision is made on recognition as a racial group, under the Race Relations Act 1976” and “Capitalisation of the term Gypsy Traveller or Gypsy and Traveller where used separately, should be adopted in all official minutes and reports by the Scottish Parliament, the Scottish Executive, local authorities and other public bodies.”

It is suggested that the response to date to these two recommendations may provide the Committee with some insight as to why so little has been done to address what the EOC Committee, the Government, local authorities, regulatory bodies and the Council of Europe Commissioner for Human Rights recognise as being urgent issues including accommodation.

Public bodies have to date thought that they didn’t have to take the required action because they believed that Scottish Gypsy Travellers were not protected by race relations legislation. (And anyway who would take any action against them? How often has the CRE/EHRC used its powers in Scotland in relation to Scottish Gypsy Travellers?)

Several public bodies in the north east of Scotland in 2007/2008 were even involved in an attempt to prevent Scottish Gypsy Travellers being recognised as an ethnic minority group and indeed were successful. Fortunately the Judgement some months later was reviewed on the insistence of the Judge and recognition of the community’s legal ethnic status was finally achieved (21 October 2008)

In 2012 public bodies in the north east it would appear still believed that Scottish Gypsy Travellers were not recognised in law as an ethnic minority group in spite of their involvement in the case referred to below and in spite of the fact that the Judgement was made in Aberdeen!

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Although the Scottish Government acknowledges the judgement made in K MacLennan v Gypsy Traveller Education and Information Project (2008) the Race Equality Statement reads as follows:

“Race Equality – for Whom? Sometimes people assume that race equality and tackling racism are issues for and about minority ethnic communities. They are not – they are matters for all of us. We believe that the changes we make to improve the life experience of minority ethnic communities or to promote good relations between communities, will be of benefit to all.

We should also make very clear that we include Gypsies/Travellers in this statement. During the period of the current Spending Review, i.e. to March 2011, we will commit significant resources towards improving the position of Scottish Gypsies/Travellers where it is in our power to do so. We have been guided in the development of this Statement by the Equal Opportunities Committee’s second Inquiry and the work of the former Commission for Racial Equality in this area as well as the Strategic Group which we convened to examine issues for Gypsies/Travellers. We have also drawn on the ongoing contacts with communities.

One important area in which it is not in our power to make change is in relation to the legal recognition of Scottish Gypsies/Travellers as an ethnic group. Race legislation is a reserved matter. However the Scottish Government continues to recognise Gypsies/Travellers as an ethnic group for it work and encourages others to do likewise. A recent judgement in relation to an employment tribunal (K. MacLennan v Gypsy Traveller Education and Information Project) has set a precedent in this regard, which is an important step forward for this community, which is particularly marginalised and discriminated against.”

The EHRC in a recent response to the Petitions Committee stated that: Although it has taken many years to establish, Scottish Gypsy Travellers were finally recognised as a racial group for the purposes of the Race Relations Act 1976 by virtue of an Employment Tribunal decision in the case of K MacLennan v Gypsy Traveller Education and Information Project. Although not a binding decision, the finding was important in confirming the view of the Commission….”

As a result of ‘misinformation’ being in the public domain the Minister for Equalities was approached by Katy Clark MP and asked to clarify the situation. Lynne Featherstone MP replied on 5 November 2010 “….Scottish Gypsy Travellers are a distinct racial group as determined by case-law and are therefore covered by the measures in the Act relating to race.”

4. Public bodies and most of the media also continue to display their continued contempt/ignorance/prejudice towards this community by not using capitalisation when referring to them. The Scottish Government has on many occasions over the years, including the current year, failed to comply fully with this recommendation. The Scottish Government needs to actively push the use of the capital ‘G’ and ‘T’ when referring to Gypsy/Travellers and should take steps to ensure that the media adheres to this as well.

5. Both 3 and 4 have in part assisted the ‘dehumanisation’ of this community along with what can only be described as the deliberate discriminatory practice of public bodies and the intense interest in this community of much of the media. The result has I believe on at least two occasions led to incitement to racial hatred. Two cases were reported in the past 3 years by Mr MacLennan – the response from the authorities

3 Letter dated 20 August 2010 from EHRC re Petition PE 1333
were ‘insufficient evidence’ in one case (May 2009) and ‘not in the public interest’ in the other (July 2010).

6. Institutional racism is alive and well within the Scottish Government and Parliament. Has the Equal Opportunities Committee considered that the current research process may reflect this?

7. Mr MacLennan has been victimised for his association with Gypsy/Travellers. Many Gypsy Travellers will not identify themselves as being from this community for fear of hostility from the settled community.

8. Public bodies and the media have been involved in the process of denial, negation and the dehumanisation of this community over many decades and the impact of these processes on some individuals in our society can be clearly evidenced by comments that have been and continue to be posted on line. E.g. “Bloody vermin”, “travellers are like mobile rats”, “just push them in to the sea”

9. Projects such as the Scottish Traveller Education Project and Article 12 are examples of good practice but on the whole have had little impact on the lives of this community. The Scottish Government whenever questioned about what it has done to tackle the racial discrimination and unacceptable service provision quotes that it has funded these and other organisations. It is as though this should absolve them of what some has described as cultural genocide. The government has no strategy and continues to show a total lack of leadership.

10. From Hansard, 1 December 1961 “Mr. Norman Dodds (Erith and Crayford): I beg to move, That this House, recognising that the loyalty to this country of the Romany people and other travellers is in no way inferior to that of any other section of the community, is of the opinion that Her Majesty's Government in co-operation with local authorities must devise and implement, as a matter of urgency, a national policy which will ensure adequate living quarters for the gypsies and other travellers, and provide for their good health, proper education and full employment.”. This serves to highlight how long has passed since the issue was brought to Parliament with nothing happening; the issue of helping Gypsy/Travellers cannot wait, it is an urgent problem.

11. Mr MacLennan asked the Committee to refer to his previous correspondence with the Parliament, and the research referenced and submitted. This can be found through the following link to Petition PE1363 - http://archive.scottish.parliament.uk/business/petitions/docs/PE1363.htm

12. Other material is available on these issues in Petition 1321 and Petition 1364. Mr MacLennan with the assistance of Scottish Gypsy Travellers would also be happy to provide the Committee with case histories of public bodies to demonstrate how little has been achieved in the past decade and the existence of institutional racism within these named organisations.

13. Amnesty International is about to publish some research findings on Scottish Gypsy Travellers which it is expected will further support some of the views expressed above.

KEN MACLENNAN

29 MARCH 2012